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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,072	08/01/2001	Forest S. Baker IV	2866.2.1	4418
48720	7590	12/15/2005	EXAMINER	
DAVID FONDA DAVID B. FONDA, ATTORNEY AT LAW, P.C. 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			HOOSAIN, ALLAN	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,072

Applicant(s)

BAKER, FOREST S.

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 76-95 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38, 76-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4,8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker** (US 6,216,111) in view of **Noble, Jr.** (US 6,356,634).

As to Claim 1, with respect to Figures 5-7, **Walker** teaches a method for customer contacting, the method comprising:

providing a system for interaction with a contact, the interaction being selectable between human and computer delivery (Col. 8, lines 1-12);

executing an interaction protocol to create an interaction with the contact (Col. 7, lines 32-49);

initiating a call to the contact (Col. 8, lines 42-51); and

interleaving responses from a human agent and a recorded script selected by a computer (Col. 8, lines 1-12):

Walker does not teach the following limitation:

“a recorded script selected by the agent”

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However, it is obvious that Walker suggests the limitation. This is because **Walker** teaches more flexible and effective tailoring of sales presentations (Col. 3, lines 42-50). **Noble, Jr.** teaches an agent selecting scripts for playing to a customer (Col. 5, lines 28-35 and 60-66). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add agent selected scripts to **Walker's** invention for agents to transparently communicate with customers as taught by **Noble, Jr.'s** invention in order to provide agents with monitoring of customers responses.

As to Claim 2, **Walker** teaches the method of claim 1, wherein the executing an interaction protocol is done by one of a human agent and a computer script (Col. 8, lines 1-5).

As to Claim 3, **Walker** teaches the method of claim 1, wherein the recorded script further comprises recorded data for generating a human-sounding voice waveform (Col. 8, lines 28-32).

As to Claim 4, **Walker** teaches the method of claim 1, wherein the recorded script is selected from audio recordings (computer-generated wave files, audio recordings, and synthesized voice) (Col. 8, lines 28-32 and Col. 7, lines 10-13).

As to Claim 8, **Walker** teaches the method of claim 1, wherein executing an interaction protocol further comprises selecting a contact type (Col. 9, lines 1-4).

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As to Claim 9, **Walker** teaches the method of claim 1, further comprising validating sales information (Col. 6, lines 26-38).

As to Claim 10, **Walker** teaches the method of claim 9, wherein validating sales information is done by one of a human agent and a computer dialing system (Col. 6, lines 26-39).

As to Claim 11, **Walker** teaches the method of claim 1, further comprising updating a customer file (Col. 6, lines 43-48).

As to Claim 12, **Walker** teaches the method of claim 1, further comprising maintaining a history of recorded scripts played (Col. 5, lines 48-50).

As to Claim 13, **Walker** teaches the method of claim 1, wherein initiating a call is executed by one of a human agent and a computer dialing system (Col. 8, lines 46-47).

As to Claim 14, **Walker** teaches the method of claim 1, wherein interleaving further comprises listening by the human agent to a response from the contact (Col. 8, lines 6-12).

As to Claim 15, **Walker** teaches the method of claim 1, wherein interleaving further comprises selecting and presenting content to the contact (Col. 7, lines 32-44).

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As to Claim 16, **Walker** teaches the method of claim 15, wherein interleaving further comprises posing a question following presenting content (Col. 7, lines 45-49).

As to Claim 17, **Walker** teaches the method of claim 1, wherein interleaving further comprises deciding on intervention (Col. 8, lines 7-12).

As to Claim 18, **Walker** teaches the method of claim 17, wherein deciding on intervention is done by the human agent (Col. 8, lines 7-12).

As to Claim 19, **Walker** teaches the method of claim 17, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response (Col. 8, lines 1-5).

As to Claim 20, **Walker** teaches the method of claim 17, wherein deciding on intervention further comprises determining to provide a live-voice response (Col. 8, lines 1-5).

As to Claim 21, **Walker** teaches the method of claim 17, wherein deciding on intervention further comprises determining to provide a recorded response (Col. 8, lines 1-5).

3. Claims 5,7,22-27,29-38,76-80,82-95 rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker** in view of **Noble, Jr.** and further in view of **Rogers et al.** (US 5,946,386).

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As to Claim 5, **Walker** teaches the method of claim 1, wherein the recorded script comprises a prerecorded script (voice waveform created independently) from the human agent;

Walker does not teach the following limitation:

“voice waveform created independently from the human agent”

However, it is obvious that **Walker** suggests the limitation. This is because **Walker** teaches that scripts are prerecorded for use by a computer (Col. 8, lines 1-4). **Rogers** teaches creating VIP rules (scripts) by users (agents) and/or organizations. VIP rules created by organizations are independent of users (Col. 36, lines 12-17 and Col. 34, lines 56-67). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add organization scripts to **Walker**'s invention for supporting organizations sales calls as taught by **Rogers**' invention in order to provide enhancement of sales opportunities.

As to Claims 7,82, **Walker** teaches the method of claim 1, wherein executing an interaction protocol further comprises:

Walker does not teach the following limitation:

“logging on by an agent”

However, it is obvious that **Walker** suggests the limitation. This is because **Walker** teaches call handling by agents (Col. 8, lines 1-4). **Rogers** teaches users (agents) logging in (Col. 34, lines 30-35). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add agent login incapability to **Walker**'s invention for determining availability of users as taught by **Rogers**' invention in order to provide enhancement of sales opportunities.

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As to Claims 22-27, 29-38, 76-80, 83-95, **Walker** teaches a method for customer contacting, the method comprising:

- providing an integrated system for interaction with a contact, the interaction being selectable between human and computer delivery;
- initiating a call to a contact;
- selecting content for presentation to the contact;
- presenting content to the contact;
- listening to a response from the contact;
- interleaving responses to the contact from a human agent and a recorded script selected by the agent, the recorded script reflecting a voice waveform prerecorded (created independently from the human agent) (Col. 8, lines 1-8); and
- closing the interaction with the contact (Col. 6, lines 26-37);

Walker does not teach the following limitation:

“voice waveform created independently from the human agent” and “recorded script selected by the agent”

However, it is obvious that **Walker** suggests the limitations. This is because **Walker** teaches more flexible and effective tailoring of sales presentations and scripts are prerecorded for use by a computer (Col. 3, lines 42-50, Col. 8, lines 1-4). **Noble, Jr.** teaches an agent selecting scripts for playing to a customer (Col. 5, lines 28-35 and 60-66). **Rogers** teaches creating VIP rules (scripts) by users (agents) and/or organizations. VIP rules created by organizations are independent of users (Col. 36, lines 12-17 and Col. 34, lines 56-67). Having the cited analogous

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art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add organization scripts and scripts selected by agents to **Walker's** invention for supporting organizations sales calls as taught by **Rogers'** and **Noble, Jr.'s** invention in order to provide enhancement of sales opportunities.

4. Claims 6,28,81 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Walker** in view of **Noble, Jr., Rogers** and further in view of **Miner et al.** (US 5,652,789).

As to Claims 6,28,81, **Walker** teaches the method of claim 5, wherein the voice waveform further comprises:

Walker does not teach the following limitation:

“an audio track of a voice response recorded by a voice actor”

However, it is obvious that **Walker** suggests the limitation. This is because **Walker** teaches that scripts are prerecorded for use by a computer (Col. 8, lines 1-4). **Miner** teaches creating commands and tasks (scripts) with personalities (voice actors) for use by subscribers customer service representatives (Col. 45, lines 46-57). Since **Walker** and **Miner** are in analogous customer service representative art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add personality scripts to **Walker's** invention for supporting organizations sales calls as taught by **Walker's** invention in order to provide enhancement of sales opportunities.

Response to Arguments

5. Applicant's arguments filed in the 9/30/05 Remarks have been fully considered but they are not persuasive because of the following:

Walker teaches that an agent is signaled before the last question so that the agent gets an opportunity to ask follow up questions at Col. 8, lines 1-10. This teaching suggests that the agent is monitoring the dialog between the computer and customer at least from before the last question is played by the computer. In this manner the agent is able to determine what follow-up questions to ask the customer in order to enhance a sale and to play more sales presentations to the customer. For example, as suggested in the teachings, the agent can select life insurance sales presentations to be played to the customer. Therefore, and contrary to Applicants' arguments, Walker does suggest monitoring a presentation, determining what the customer needs and selecting further scripts to be played.

Noble, Jr. teaches clearly the monitoring, determining and selecting processes argued by Applicants and Examiner respectfully believes that it is obvious to combine Noble, Jr. with Walker to achieve the claims. Furthermore, Noble, Jr. teaches transparency which was not recited in the claims and it would have been obvious to combine Walker with Noble, Jr. to achieve transparency (Noble, Jr., Col. 5, lines 30-35).

With respect to the above and Claim 2, when a customer listens to the sales presentation of Walker, the customer is interacting with the computer. Similarly, when the agent asks follow up questions the agent is interacting with the customer. These interactions are interaction protocols.

With respect to Claims 3-4, the customer in Walker listens to the sales presentation and is asked questions. This presentation is in a human voice.

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With respect to Claim 12, Walker teaches customer's transaction history and selecting the appropriate sales presentation script, storing presentations that were played for future reference, etc. This storing and selecting of scripts is maintaining a history of recorded scripts.

With respect to Claims 14-17, Examiner respectfully disagrees for the same reasons given above.

With respect to Claims 18-21, Examiner respectfully disagrees for the same reasons given above.

With respect to Claims 5 and 7, Rogers teaches that scripts are recorded by agents or organizations. Therefore, the scripts can be created independently of agents. The argued professional voices are not recited in the claims. Examiner respectfully believes that all of the other dependent claims were properly rejected by the teachings of Walker, Noble, Jr. and Rogers.

With respect to Claims 6,28,81, Examiner respectfully disagrees with Applicants' arguments. Rogers teaches playing scripts in the user's own voice. Miner teaches playing commands and tasks in voices of personalities. Noble, Jr. teaches masking at Col. 10, lines 63-65.

Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

None

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7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 306-0377 (for customer service assistance)


Hand-delivered responses should be brought to Carlyle, Alexandria,
VA 22313 (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.


Allan Hoosain
Primary Examiner
12/1/05